

**TRANSMITTAL
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Total Number of Pages in This Submission

3

Application Number

10/6111,696

Filing Date

July 1, 2003

First Named Inventor

Budimir Drakulic

Art Unit

3736

Examiner Name

SMITH, Terri L.

Attorney Docket Number

SIGLI-64414

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Response to Restriction Requirement Under 35 U.S.C. Sec. 121; Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

FULWIDER PATTON LLP

Signature

Printed name

CRAIG B. BAILEY

Date

May 11, 2006

Reg. No.

28,786

CERTIFICATE OF TRANSMISSION/MAILING

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CRAIG B. BAILEY

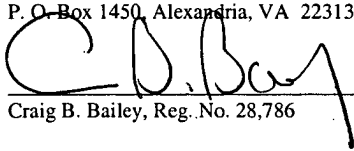
Date

May 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Craig B. Bailey, Reg. No. 28,786



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/611,696
Applicant : Budimir Drakulic
Filed : July 1, 2003
Title : AMPLIFIED SYSTEM FOR DETERMINING PARAMETERS
OF A PATIENT
Art Unit : 3736
Examiner : SMITH, Terri L.

Docket No.: : SIGLI-64414
Confirmation No. : 4436
Customer No. : 24201

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

In response to the Office Action of April 11, 2006, the Applicant provisionally elects Group I, claims 1-40, with traverse.

The Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

The MPEP expressly provides that to support a restriction requirement, it is not enough merely to show two-way distinctiveness. In addition, the Examiner also must show reasons for insisting on restriction. MPEP 806.05(c).

To establish reasons for insisting upon restriction, the burden is on the Examiner to explain why there would be a serious burden on the Examiner if restriction is not required. MPEP 808.02.

In this case, the Examiner has alleged the existence of "recognized divergent subject matter" as the reason for insisting upon restriction. However, the Examiner has provided no evidence to support that allegation, such as patents or separate fields of search, as required by MPEP 808.02. Thus, the restriction requirement is not supported and should be withdrawn.

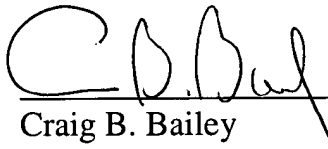
If the restriction requirement is not withdrawn, the Applicant reserves the right to file divisional applications for the non-elected group.

Should the Examiner have any questions concerning this amendment, Applicant's request the Examiner to contact the Applicant's attorney, Craig B. Bailey, at 310-824-5555. Voicemail messages can be left at the same telephone number.

Date: May 11, 2006

Respectfully submitted,

FULWIDER PATTON LLP

By: 
Craig B. Bailey
Registration No. 28,786

CBB:jc
Enclosure

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